BEFORE

THE PUBLIC SERVICE COMMISSION OF

SOUTH CAROLINA

DOCKET NO. 2009-489-E - ORDER NO. 2010-221

MARCH 16, 2010

IN RE: Application of South Carolina Electric & Gas

ORDER DENYING

Company for Increases and Adjustments in

PETITION TO

Electric Rate Schedules and Tariffs

INTERVENE

This matter comes before the Public Service Commission of South Carolina ("Commission") on the Petition to Intervene of Mr. Joseph Wojcicki ("Mr. Wojcicki") in this case and the subsequent objection of South Carolina Electric & Gas Company ("SCE&G" or "the Company") to the Petition. Mr. Wojcicki also filed a response to the objection. For the reasons stated below, the objection of the Company is sustained and the Petition to Intervene is denied.

SCE&G argues in its Return and Objection that Mr. Wojcicki lacks standing to intervene in this proceeding, or in the alternative, has failed to comply with Commission regulations. Because we rule adversely to Mr. Wojcicki on the first ground, we do not reach the second ground for the objection.

The grant or denial of a petition to intervene is within the sound discretion of the Commission, however, such discretion is bound by guiding principles and factors. One such principle is that a party generally must have standing to intervene. See generally Ex Parte Gov't Employee's Ins. Co., 373 S.C. 132, 644 S.E. 2d 699 (2007).

In this case, the Company has filed an affidavit attesting to the fact that it does not provide electric service to Mr. Wojcicki. For this reason, the Company states a belief that, since he is not an electric customer of SCE&G, he does not possess the requisite standing to be a party of record in this docket.

Guidance regarding this challenge is found in <u>Duke Power Company v. South Carolina Public Service Commission</u>, 284 S.C. 81, 326 S.E. 2d 395 (1985). In that case, the South Carolina Supreme Court held that certain ratepayers lacked standing under the circumstances of that petition, because their asserted interests in that case were "too contingent, hypothetical, and improbable to support standing...." 284 S.C. at 98, 326 S.E. 2d at 405. The <u>Duke case</u> also says that a potential intervenor must have a "personal stake" in the outcome of the case before he or she may present his own case. Mr. Wojcicki is not an SCE&G ratepayer, nor does he state any other grounds in any of his documents to show that he has a reasonable connection to this case. As such, Mr. Wojcicki has failed to show a personal stake in the present case. Therefore the objection of SCE&G must be sustained, and the Petition to Intervene must be denied, since Mr. Wojcicki lacks the requisite standing.

This Order shall remain in full force and effect until further order of the Commission.

BY ORDER OF THE COMMISSION:

Elizabeth B. Fleming, Chairman

ATTEST:

John **E**. Howard, Vice Chairman

(SEAL)